

REMARKS

This is in response to the Office Action mailed May 19, 2006.

Minor amendments have been made to claims 32 and 39 to address antecedent basis issues pointed out by the examiner. Such amendments have been made without adding new matter. The Applicant hereby respectfully requests the examiner to withdraw the 35 USC § 112 rejections.

Further, the applicant believes that the arguments presented in the current response should make the pending claims allowable.

STATUS OF CLAIMS

Claims 1-28 are cancelled.

Claims 29-43 are pending.

Claims 32 and 39 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claims 29-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6,437,692 (Petite), in view of U.S. 6,314,340 (Mecham).

REJECTIONS UNDER 35 U.S.C. § 112

Claims 32 and 39 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Minor amendments have been made to claims 32 and 39 to address antecedent basis issues pointed out by the examiner. Such amendments have been made without adding new matter. The Applicant hereby respectfully requests the examiner to withdraw the 35 USC § 112 rejections.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 29-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Petite (USP 6437692) in view Mecham et al. (USP 6314340), hereafter Mecham. To be properly rejected under U.S.C. § 103(a), each and every element of the claims must be addressed through known prior art or be recognized as an obvious variation thereof. Applicant contends that the combination of the Petite and Mecham references fail to provide many of the features of applicant's pending claims.

The Petite reference is directed to a system for monitoring, reporting and controlling remote devices by transmitting information to a gateway interface and using applications on a connected server to process such information. The server, along with a database, collects, formats and stores client-specific data received from transceivers associated with remote devices for later retrieval.

The Mecham reference discloses an irrigation controller that irrigates the site to satisfy watering needs of the vegetation based on a net evapotranspiration value determined by the irrigation controller.

On page 4 of the Office Action of 5/19/2006, the Examiner asserts that the Petite reference, in column 13, lines 19-30 teaches economic setpoint information forwarded to a control server over said WAN. However, Applicant respectfully contends that column 13, lines

19-30 of Petite merely states that a control server provides signals to operate a spray head based on “a client directed water schedule” or “customer watering requirements”. The applicant is unsure how the examiner has equated the “economic setpoint information” feature of applicants pending claims to the “client directed water schedule” of the Petite reference. Furthermore, the applicant requests the examiner to point out where in the Petite reference does he find the suggestion that the client directed water schedule is based on economic/financial parameters which would keep the cost of the water/electricity usage of an irrigation system low (as described in page 9, lines 9-16 of applicant’s application). The Applicant wishes to note that such a teaching is also absent from the Mecham reference (as also pointed out in page 8 of amendment response dated 2/16/2006 filed by applicant). Absent such a showing, the Petite reference, either singly or used in combination with Mecham, cannot anticipate or render obvious Applicant’s pending claims 29-43.

On page 5 of office action dated 05/19/2006, the Examiner asserts that the Mecham reference, in column 1, lines 43-48 teaches determining control parameters by control server based on relevant control information accessed from one or more climatic information providing servers on said WAN. Column 1, lines 43-48 of Mecham merely teaches the availability of weather station collected climatic information over the Internet. The applicant wishes to note that the teaching of “climatic information available over the internet” is only mentioned in the “Description of related art” section of the Mecham reference. Furthermore, The Mecham reference provides no teaching or suggestion that the irrigation controller of the Mecham reference receives climatic information over a WAN and controls the watering needs of vegetation based on this information. The applicant requests the examiner to point out where in the Mecham reference does he find the suggestion that the irrigation controller of the Mecham

reference receives climatic information via a WAN from an external climatic information providing server. Thus, absent from column 1, lines 43-48 of Mecham and the Mecham reference in its entirety is determining control parameters by control server to control residential devices via a residential gateway (over a WAN) based on the climatic information. Furthermore, there is no teaching or suggestion in the Mecham reference that the control server determines control parameters based on information received from climatic information providing servers, state information and economic setpoint information. The Applicant wishes to note that such a teaching is also absent from the Petite reference. Absent such a showing, the Mecham reference, either singly or used in combination with Petite, cannot anticipate or render obvious Applicant's pending claims 29-43.

On page 5 of the Office Action of 5/19/2006, the Examiner asserts that the Petite reference, in column 13, lines 8-30 teaches determining control parameters by control sever based on forwarded economic setpoint information. Column 13, lines 8-30 of Petite merely mentions transmitting rainfall and water information to a server for viewing or retrieval upon client demand and states that a control server provides signals to operate a spray head based on "a client directed water schedule" or "customer watering requirements". The applicant wishes to reiterate that the applicant is unsure how the examiner has equated the "economic setpoint information" feature of applicants pending claims to the "client directed water schedule" of the Petite reference. Furthermore, the applicant requests the examiner to point out where in the Petite reference does he find the suggestion that the client directed water schedule is based on economic/financial parameters which would keep the cost of the water/electricity usage of an irrigation system low (as described in page 9, lines 9-16 of applicant's application). The Petite reference also does not provide any citations that teach or suggest the use of economization of

resources by the control server when controlling the residential devices. The Applicant wishes to note that such a teaching is also absent from the Mecham reference. Absent such a showing, the Petite reference, either singly or used in combination with Mecham, cannot anticipate or render obvious Applicant's pending claims 29-43.

Hence, the Applicant contends that the Petite and Mccham references singly or in combination fail to teach or suggest a control server determining control parameters based on information received from climatic information providing servers, state information of residential device(s), and economic setpoint information. Furthermore, the Petite and Mccham references singly or in combination also fail to teach or suggest the gateway controlling the residential devices based on these control parameters.

The applicant also wishes to point out that the examiner on page 4 of the previous office action dated 3/25/2005 is correct in stating that Petite reference does not disclose control parameters as a water cycle of the irrigation system based upon an economic setpoint. However, in office action of 5/19/2006, the examiner has made a contradictory and erroneous statement mentioning that the Petite reference does disclose determining the watering cycle based in forwarded economic setpoint information.

Therefore, Applicant contends that the independent claims 29, 36 and 43 are not anticipated or rendered obvious by the art of record. Applicant, therefore, submits that claims 29, 36 and 43 are allowable. Further, Applicant respectfully requests reconsideration of dependent claims 30-34, and 37-42 as they depend from an allowable claim.

SUMMARY

As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicant's presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

As this response has been timely filed, no request for extension of time or associated fee is required. However, the Commissioner is hereby authorized to charge any deficiencies in the fees provided to Deposit Account No. 12-0010.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicant's representative at the below number.

Respectfully submitted,

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